



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

By ECF

The Honorable Philip M. Halpern
United States District Judge
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

Re: *Voss v. McDonough*, No. 17 Civ. 9015 (PMH)

Dear Judge Halpern:

This Office represents Denis McDonough, in his capacity as Secretary of the United States Department of Veterans Affairs (the "VA"), who is respectfully pursuant to S.D.N.Y. Electronic Case Filing Rule 101-1 request that the Court seal Docket Entry 98-38 filed with this properly redacted version of Docket Entry 98-38 with this motion granting this motion.

Application granted.

The Clerk of the Court is respectfully directed to strike Doc. 98-38 from the docket but retain the summary docket text for the record.

Plaintiff is directed to re-file a properly redacted version of the document by 5:00 p.m. on February 26, 2021.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 100.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
February 24, 2021

On February 16, 2021, Plaintiff filed a document (Dkt. No. 98-38) in connection with his opposition to the VA's motion for summary judgment that contains confidential or sensitive information, specifically the identity of the veteran who alleged that Plaintiff engaged in an inappropriate relationship with her while she was under his care while he was a Peer Support Specialist, exacerbating her PTSD. This document was marked confidential subject to the Protective Order entered in this matter. Further, on February 11, 2021, this Office asked Plaintiff's counsel to ensure all of his summary judgment papers were properly redacted, and specifically identified this document as one that needed to be filed under seal given the confidentiality of the veteran's identity. Although Plaintiff's counsel attempted to redact the veteran's identity, the redactions were transparent.

Immediately upon Plaintiff's filing of this document, this Office contacted the ECF Help Desk, which temporarily sealed Docket Entry 98-38. This Office also requested that Plaintiff's counsel ask the Court to seal the document and file a properly redacted version of Docket Entry 98-38, but to date, Plaintiff's counsel has not sought such relief from the Court.

Accordingly, this Office respectfully requests that the Court formally seal Docket Entry 98-38, and order Plaintiff's counsel to file a properly redacted version (*i.e.*, opaque redactions) within two business days of entry of an Order granting this motion.

¹ David Shulkin, M.D., who was named as defendant in his capacity as Secretary of the Department of Veterans Affairs, is no longer serving in that office. Secretary Denis McDonough, the current Secretary, was automatically substituted as defendant pursuant to Federal Rule of Civil Procedure 25(d).

We thank the Court for its consideration.

Respectfully submitted,

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Southern District of New York

By: /s/
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cc: Counsel of Record